

State of South Dakota

EIGHTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2009

583Q0757

SENATE BILL NO. 186

Introduced by: Senator Olson (Russell)

1 FOR AN ACT ENTITLED, An Act to provide for the imposition of a late payment fee for
2 unpaid child support.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 25-7 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 Any payment or installment of support under an order for support, as defined by § 25-7A-1,
7 which is unpaid after the date it is due, is subject to a late payment fee equal to fifteen percent
8 of the child support which became delinquent as of that date if the obligor had the ability to pay
9 the support as of that date. The late payment fee is a judgment by operation of law as provided
10 for under § 25-7-7.4. The support obligee or the secretary of the Department of Social Services
11 may enforce collection of the late payment fee by any lawful means, and the court may award
12 attorney fees. The late payment fee is payable to the support obligee or assignee.

